

AMENDED IN SENATE MAY 15, 2003

**SENATE BILL**

**No. 279**

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**Introduced by Senator Chesbro**

*(Principal coauthor: Assembly Member La Malfa)*

***(Coauthor: Senator Denham)***

*(Coauthors: Assembly Members Dutton, Hancock, Maze, and Reyes)*

February 18, 2003

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An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Chesbro. Public postsecondary education: excuse of tuition *and* fees.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of active law enforcement or active fire suppression and prevention duties. Until January 1, 2004, this provision also applies to the surviving spouse or surviving child of a person who died while performing these duties, and who was employed as a contractor, or as an employee of a contractor, performing services for a public agency, as defined. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would extend indefinitely the application of this provision to the surviving spouse or surviving child of a contractor, or an employee of a contractor, performing services for a public agency. *The bill would require, however, that a surviving child of a contractor, or of an employee of a contractor, be enrolled as an undergraduate student at a campus of the University of California or the California State University and document that his or her annual income, including the value of any support received from a parent, does not exceed the national poverty level, as defined.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 68120 of the Education Code, as  
2 amended by Section 2 of Chapter 347 of the Statutes of 2001, is  
3 amended to read:

4 68120. (a) Notwithstanding any other provision of law, no  
5 mandatory systemwide fees or tuition of any kind shall be required  
6 of or collected by the Regents of the University of California, the  
7 Board of Directors of the Hastings College of the Law, or the  
8 Trustees of the California State University from any surviving  
9 spouse or surviving child, natural or adopted, of a deceased person  
10 who met all of the following requirements:

11 (1) He or she was a resident of this state.

12 (2) He or she was employed by a public agency, or was a  
13 contractor, or an employee of a contractor, performing services for  
14 a public agency.

15 (3) His or her principal duties consisted of active law  
16 enforcement service or active fire suppression and prevention.  
17 This section shall not apply to a person whose principal duties were  
18 clerical, even if he or she was subject to occasional call or was  
19 occasionally called upon to perform duties within the scope of  
20 active law enforcement or active fire suppression and prevention.

21 (4) He or she was killed in the performance of active law  
22 enforcement or active fire suppression and prevention duties, or  
23 died as a result of an accident or an injury caused by external  
24 violence or physical force, incurred in the performance of his or  
25 her active law enforcement or active fire suppression and  
26 prevention duties.



1     (b) *Notwithstanding subdivision (a), a person who qualifies for*  
2 *the waiver of mandatory systemwide fees and tuition under this*  
3 *section as a surviving child of a contractor, or of an employee of*  
4 *a contractor, who performed services for a public agency shall, in*  
5 *addition to the requirements set forth in subdivision (a), meet both*  
6 *of the following requirements:*

7     (1) *Enrollment as an undergraduate student at a campus of the*  
8 *University of California or the California State University.*

9     (2) *Documentation that his or her annual income, including the*  
10 *value of any support received from a parent, does not exceed the*  
11 *national poverty level as defined in subdivision (c) of Section*  
12 *66025.3.*

13     (c) *As used in this section, “public agency” means the state or*  
14 *any city, city and county, county, district, or other local authority*  
15 *or public body of or within the state.*

